

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

ROBERT BELL, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:10CV33 SNLJ
	)	
PAULA PHILLIPS, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff’s motion to proceed in forma pauperis. Plaintiff, an inmate at Southeast Correctional Center (“SECC”), has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief can be granted.<sup>1</sup> Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless, at the time of filing his complaint, plaintiff was “under imminent danger of serious physical injury.”

Plaintiff alleges, as he has in previous cases, that he is in imminent danger because he suffers from shoulder pain when handcuffed. Plaintiff further alleges that he is in imminent danger because he has a kitchen job that requires him to lift food trays, which also causes him shoulder pain. Plaintiff says that he complies with the

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<sup>1</sup>See Bell v. Rigel, No. 4:04-CV-706-HEA (E.D. Mo.); Bell v. Steele, No. 1:06-CV-144-LMB (E.D. Mo.); Bell v. Steele, No. 1:07-CV-25-LMB (E.D. Mo.).

requirements of his prison job because if he does not do so, he will be placed in administrative segregation.

This Court has consistently held that plaintiff's allegations of shoulder pain do not rise to the level of "imminent danger of serious physical injury." See Bell v. Phillips, 1:09CV86 LMB (E.D. Mo.); Bell v. Phillips, 1:09CV106 LMB (E.D. Mo.). Furthermore, the Court has carefully reviewed the allegations in the instant complaint and in each of the supplemental documents and finds no allegations rising to the level of imminent danger of serious physical injury. As a result, the Court will dismiss this action without prejudice to refiling as a fully paid complaint.

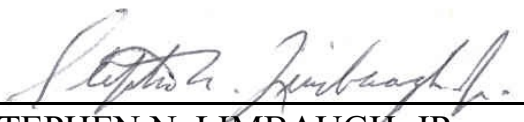
Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice to refiling as a fully paid complaint.

**IT IS FURTHER ORDERED** that all pending motions are **DENIED**.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 6th day of May, 2010.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE